



PATENT  
ATTORNEY DOCKET NO. 0073/008002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazutoshi SUGIYAMA  
Application No.: 10/694,234  
Filing Date: October 28, 2003  
Title : PHOTOELECTRIC SWITCH

Art Unit: 2632  
Examiner: Mullen, T.

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING

REJECTION OVER A PRIOR PATENT

Sir:

The owner, Keyence Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior Patent No. 6,717,523 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT  
Application No.: 10/694,234  
Page 2

instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.


The \$130.00 fee for terminal disclaimer fee under 37 CFR 1.20(d) is included with this paper as indicated on the attached Transmittal Letter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT  
Application No.: 10/694,234  
Page 3

Please telephone the undersigned if there are any questions  
regarding this application. The undersigned is the attorney of  
record.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Randolph A. Smith", written over a horizontal line.

Randolph A. Smith  
Reg. No. 32,548

Date: January 13, 2006

**SMITH PATENT OFFICE**

1901 Pennsylvania Ave., N.W.  
Suite 901  
Washington, DC 20006  
Telephone: 202/530-5900  
Facsimile: 202/530-5902  
Sugiyama011306